

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 24-20398-CR-RUIZ

UNITED STATES OF AMERICA,

v.

FRANCISCO TONARELY,

Defendant.

_____ /

**JOINT MOTION TO PLACE
DEFENDANT ON PRETRIAL DIVERSION**

The United States and defendant Francisco Tonarely jointly move this Court to accept the attached Pretrial Diversion Agreement, place Mr. Tonarely on pretrial diversion, and remove the instant case from the trial calendar. In support thereof, the parties state the following:

1. On September 12, 2024, a federal grand jury indicted Francisco Tonarely and three co-defendants with securities fraud in violation of 18 U.S.C. §§ 371 & 1348 and 15 U.S.C. §§ 78j(b) & 78ff.

2. The United States and Mr. Tonarely have reached an agreement by which Mr. Tonarely would be placed on pretrial diversion. The agreement incorporates all of the conditions and provisions by which Mr. Tonarely must abide during the diversion period of twelve months.

3. The Chief U.S. Probation Officer has signed the Pretrial Diversion Agreement **(Exhibit A)**.

4. A proposed order placing Mr. Tonarely on pretrial diversion and removing the

instant case from the trial calendar is attached (**Exhibit B**).

WHEREFORE, the United States and defendant respectfully request that this Court accept the attached Pretrial Diversion Agreement, place Mr. Tonarely on pretrial diversion, and remove the instant case from the trial calendar.

Respectfully submitted,

MARKENZY LAPOINTE
UNITED STATES ATTORNEY

By: /s/ Eli S. Rubin
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I electronically filed the foregoing document with the Clerk of the Court using CM/ECF on December 16, 2024.

/s/ Eli S. Rubin

Eli S. Rubin

Assistant United States Attorney